Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 474 of 2024 with
WP(C) No. 156 of 2025
WP(C) No. 274 of 2025
WP(C) No. 475 of 2024
WP(C) No. 155 of 2025
WP(C) No. 157 of 2025
WP(C) No. 158 of 2025

Date of Decision: 30.01.2026

WP(C) No. 474 of 2024

1. Shri Phrident Singh Thabah.
2. Shantira Mawlong.
3. Rani Clan.
4. Stora Nongrang.
5. Bada Kurbah.
6. Robida Nongbsap.
7. Jok Nongbri.
8. Resimon Nongrang.
9. Jwin Nongbri.
10. Rimilda Kharpan.
11. Bashailin Mawlong.
12. Iona Sawkmie.
13. Biaibir Dohtdong.
14. Phertibir Dohtdong.
15. Worda Nongbsap.
16. Meridia Mawlong.
17. Lesimon Mawlong.
18. Lindaris Mawlong.
19. Aibeltilin Mawlong.
20. Baskhemshisha Mawlong.
21. Warbalin Mawlong.
22. Bashisha Mawlong.
23. Thaini Kharthangmaw.
24. Rojini Kharthangmaw.
25. Armai Kharthangmaw.

26. Jaimon Pathaw.
27. Bathehhunlang Dohtdong.
28. Metra Kurbah.
29. Stora Khyllait.
30. Tlimon Pathaw.
31. Ilarihunshisha Kharthangmaw.
32. Merisha Kurbah.
33. Barilin Dohtdong.
34. Pyrda Nongbri.
35. Borda Nongbri.
36. Switbert Nongrang (Nongrang Clan).
37. Elpising Nongrang.
38. Jwan Kharrani.
39. Junistar Nongbsap.
40. Sliam Mawlong.
41. Sbina Mawlong.
42. Proka Mawlong.
43. Staina Mawlong.
44. Nora Dohtdong.
45. Sidalin Nongrang.
46. Simira Thabah.
47. Krosida Thabah.
48. Skera Mawnai.
49. Risoh Khartangmaw.
50. Spina Thabah.
51. Daina Wardkhar.
52. Khosimai Thabah.
53. Shimtilin Thabah.
54. Swor Wardkhar.
55. Habitalis Wardkhar.
56. Ready Wardkhar.
57. Shington Dkhar.
58. Bila Wardkhar.
59. Tiewribon Wardkhar.
60. Roilang Khyllait.
61. Bialin Wardkhar.
62. Terimai Kharkrang.
63. Wortimai Kharkrang.
64. Phlom Wardkhar.
65. Jmier Wardkhar.
66. Kaimon Wardkhar.
67. Tlimon Wardkhar.

68. Aidit Wardkhar.
69. Hur Kurbah.
70. Kret Wardkhar.
71. Lebina Kharmuti.
72. Biet Wardkhar.
73. Shngit Wardkhar.
74. Kolpana Wardkhar.
75. Buit Kharkyrsian.
76. Snora Kurbah.
77. Prosida Marbaniang.
78. Narian Jana.
79. Artis Jana.
80. Misa Jana.
81. Stila Kurbah.
82. Blit Wardkhar.
83. Skeda Jana.
84. Taris Kurbah.
85. Stadsha Jana.
86. Aiti Wardkhar.
87. Swir Jana.
88. Theirir Jana.
89. Mida Marbaniang.
90. Pliwat Marbaninag.
91. Aiwat Marbaniang.
92. Balat Marbaniang.
93. Kira Marbaniang.
94. Slira Marbaniang.
95. Bet Kharkrang.
96. Nita Kharkrang.
97. Aidolin Thabah.
98. Khira Kharkyrsian.
99. Billin Thabah.
100. Jenilin Thabah.
101. Birdalin Thabah.
102. Treilin Thabah.
103. Armina Thabah.
104. Mita Thabah.
105. Nanda Jana.
106. Balin Thabah.
107. Yiem Thabah.
108. Shiwan Thabah.
109. Endra Thabah.

110. Ngindashisha Thabah.
111. Ardalin Thabah.
112. Tribit Kharmuti,
113. Sylmai Kharjana.
114. Elmai Kharjana.
115. Kwial Malngrang.
116. Phrial Malngiang.
117. Sailing Khyllait.
118. Sharmina Marbaniang.
119. Sien Tron.
120. Juliana Shyllang.
121. Warti Thabah.
122. Jwol Nongbsap.
123. Lida Mawlong.
124. Binolian Mawlong.
125. Jecinta Syrnah.
126. Bitalin Nongbsap.
127. Sidoril Kurbah.
128. Daisy Grace Thabah.
129. Wonderfulstar Shongwan.
130. Catholic Church.

…Writ Petitioners

-Versus-

1. Collector,
East Khasi Hills District, Shillong,
Meghalaya.

2. Additional Collector,
East Khasi Hills, Shillong, Meghalaya.

3. Block Development Officer,
Sohiong, C & R Block,
East Khasi Hills, Meghalaya.

4. State of Meghalaya
Represented by Chief Secretary,
Shillong, Meghalaya.

5. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

6. Joint to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

7. Union of India
Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India, New Delhi.

8. Executive Director (P)
RO – Shillong, National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Management Unit Mylliem Madan,
Lingsyiem, Lyndale Guest House
East Khasi Hills District,
EKH Shillong, Meghalaya.

9. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
EKH Shillong, Meghalaya.

…Respondents

WP(C) No. 156 of 2025

1. Smti Emsila Kharthangmaw
2. Smti Khamtilang Kharthangmaw
3. Smti Thimon Kharthangmaw
4. Rangbah Kur Kharbuki

…Writ Petitioners

-Versus-

1. Collector,
East Khasi Hills District, Shillong,
Meghalaya.

2. Additional Collector,
East Khasi Hills, Shillong, Meghalaya.

3. Block Development Officer,
Sohiong, C & R Block,
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4. State of Meghalaya
Represented by Chief Secretary,
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5. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

6. Joint to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

7. Union of India
Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India, New Delhi.

8. Executive Director (P)
RO – Shillong, National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Management Unit Mylliem Madan,
Lingsyiem, Lyndale Guest House
East Khasi Hills District,
EKH Shillong, Meghalaya.

9. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
EKH Shillong, Meghalaya.

…Respondents

WP(C) No. 274 of 2025

1. Shri Hobar Mawlong
2. Smti Kdoin Wardkhar
3. Smti Pita Wardkhar
4. Nongrang Clan (represented by Shri Switbert Nongrang)

5. Smti Elibon Mawlong
6. Smti Shriah Mawlong
7. Smti Baiashan Mawlong
8. Smti Shriam Nongneng
9. Smti Brial Kurbah
10. Shri Cleverson Kharthangmaw
11. Shri Pirit Nongbsap
12. Shri Umrit Mawlong
13. Smti Siantis Nongbsap
14. Smti Ritilsha Nongbsap
15. Smti Esta Nongbsap
16. Smti Bahunlang Nongbsap
17. Smti Teilis Marbaniang
18. Smti Ski Nongran
19. Smti Saralinda Dohtdong
20. Smti Jitstaiphur Kharthangmaw
21. Smti Ribiulis Mawlong
22. Smti Thianghun Dohtdong
23. Shri Elpisingroy Nongrang
24. Smti Neri Dohtdong

…Writ Petitioners

-Versus-

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East Khasi Hills District, Shillong,
Meghalaya.

2. Additional Collector,
East Khasi Hills, Shillong, Meghalaya.

3. Block Development Officer,
Sohiong, C & R Block,
East Khasi Hills, Meghalaya.

4. State of Meghalaya
Represented by Chief Secretary,
Shillong, Meghalaya.

5. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

6. Joint Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

7. Union of India
Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India, New Delhi.

8. Executive Director (P)
RO – Shillong, National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Management Unit Mylliem Madan,
Lingsyiem, Lyndale Guest House
East Khasi Hills District,
EKH Shillong, Meghalaya.

9. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
EKH Shillong, Meghalaya.

…Respondents

WP(C) No. 475 of 2024

1. Phrident Singh Thabah
2. Epstar Wanting Thabah
3. Shila Khartangmaw
4. Kwina Kurbah
5. Sorilianda Mawnai
6. Watklet Kharthangmaw
7. Prisca Kharthangmaw
8. Planti Thabah
9. Bertha Malngiang
10. Brin Kurbah
11. Porlin Kharthangmaw
12. Bhalin Kharthangmaw
13. Gloria Kharthangmaw
14. Merisda Kyrsian
15. Mirda Kyrsain
16. Shatraybon K. Lynser

17. Shulaibha Kharpran
18. Rimilda Kharpran
19. Dahunlang Kharkrang
20. John Roslin Sylliang
21. Robert Lyngdoh
22. Iota Marbaniang
23. Lucy Kurbah
24. William Thabah
25. Arjun Singh Lyngdoh
26. Micky Michael Malngiang
27. Smti Lovita Feblyn Malngiang

…Writ Petitioners

-Versus-

1. Collector,
   Ri-Bhoi District, Nongpoh,
   Meghalaya.

2. State of Meghalaya
   Represented by Chief Secretary,
   Shillong, Meghalaya.

3. Secretary to the Government of Meghalaya,
   Revenue and Disaster Management Department,
   Shillong, Meghalaya.

4. Joint to the Government of Meghalaya,
   Revenue and Disaster Management Department,
   Shillong, Meghalaya.

5. Union of India
   Represented by its Secretary,
   Ministry of Road Transport and Highway,
   Government of India,
   Parliament Street New Delhi-110001

6. Executive Director (P)
   RO – Shillong, National Highways and Infrastructure
   Development Corporation Limited (NHIDCL),
   Management Unit Mylliem Madan,
   Lingsyiem, Lyndale Guest House
   East Khasi Hills District,
   East Khasi Hills Shillong, Meghalaya.

7. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
Shillong, Meghalaya.

…Respondents

WP(C) No. 155 of 2025

1. Smti Hima Mari Kurbah
2. Smti Trin Kurbah
3. Smti Brosha Sun
4. Smti Airilang Thangkhiew
5. Smti Batimon Thangkhiew

…Writ Petitioners

-Versus-

1. Collector,
Ri-Bhoi District, Nongpoh,
Meghalaya.

2. State of Meghalaya
Represented by Chief Secretary,
Shillong, Meghalaya.

3. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

4. Joint Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

5. Union of India
Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India,
Parliament Street New Delhi-110001

6. Executive Director (P)
RO – Shillong, National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Management Unit Mylliem Madan,
Lingsyiem, Lyndale Guest House
East Khasi Hills District,
East Khasi Hills Shillong, Meghalaya.

7. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
Shillong, Meghalaya.

…Respondents

WP(C) No. 157 of 2025

1. Smti Saralyne Rumnong
2. Smti Diona Rumnong
3. Shri Pyntngenlang Rumnong
4. Shri Hamarbatngen Rymnong
5. Smti Rivalin Rumnong
6. Shri Gabriel Kharlyngdoh
7. Smti Bantisha Nongkynrih
8. Shri Wanjopmiki Nongkynrih
9. Smti Dahunshisha Nongkynrih.

…Writ Petitioners

-Versus-

1. Collector,
Ri-Bhoi District, Nongpoh,
Meghalaya.

2. State of Meghalaya
Represented by Chief Secretary,
Shillong, Meghalaya.

3. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

4. Joint Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

5. Union of India
Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India, New Delhi……

6. Executive Director (P)
RO – Shillong, National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Management Unit Mylliem Madan,
Lingsyiem, Lyndale Guest House
East Khasi Hills District, EKH Shillong, Meghalaya.

7. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
EKH Shillong, Meghalaya.

…Respondents

WP(C) No. 158 of 2025

1. Smti Erikwis Khyllait
2. Shri Hildaris Kyrsain
3. Smti Esther Nongphlang
4. Shri Eret Kurbah
5. Smti Walbiris Kyrsain
6. Smti Rishailin Kapew
7. Shri Stashon Warjri
8. Smti Soitihun Kyllait
9. Stirit Kyrsain

…Writ Petitioners

-Versus-

1. Collector,
Ri-Bhoi District, Nongpoh,
Meghalaya.

2. State of Meghalaya
Represented by Chief Secretary,
Shillong, Meghalaya.

3. Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

4. Joint Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Shillong, Meghalaya.

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Represented by its Secretary,
Ministry of Road Transport and Highway,
Government of India, New Delhi….

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7. General Manager (P)
National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Shillong NHIDCL PMU-Mylliem,
East Khasi Hills District,
EKH Shillong, Meghalaya.

…Respondents

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance: In **WP(C) No. 474 of 2024**
WP(C) No. 156 of 2025
WP(C) No. 274 of 2025

For the Petitioner(s) : Mr. H.L. Shangreiso, Sr. Adv with
Mr. T. Dkhar, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. A.H.Kharwanlang, Addl.Sr.GA.
Ms. S. Laloo, GA (For R 1-6)
Dr. N. Mozika, Sr. Adv. with
Ms. M. Myrchiang, Adv. (For R 7-9)

Appearance: In **WP(C) No. 475 of 2024**
WP(C) No. 155 of 2025
WP(C) No. 157 of 2025
WP(C) No. 158 of 2025

For the Petitioner(s) : Mr. H.L. Shangreiso, Sr. Adv with
Mr. T. Dkhar, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. A.H.Kharwanlang, Addl.Sr.GA.
Ms. S. Laloo, GA (For R 1-4)
Dr. N. Mozika, Sr. Adv. with
Ms. M. Myrchiang, Adv. (For R 5-7)

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i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER

1. This batch of writ petitions have arisen from the land acquisition process undertaken for the construction of the Shillong Western Bypass which runs through Ri-Bhoi and East Khasi Hills Districts.

2. In WP(C) No. 474 of 2024, WP(C) No. 156 of 2025 and WP(C) No. 274 of 2025, the writ petitioners have assailed the impugned review/revision of the award with respect to the acquisition of land in 11

villages in East Khasi Hills notified under Section 11(1) of the Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) whereby the award dated 04-05-2023, has been reviewed and compensation amount reduced by Rs. 221,21,01,155/-.

3. In WP(C) No. 475 of 2024, WP(C) No. 155 of 2025, WP(C) No. 157 of 2025 and WP(C) No. 158 of 2025, the writ petitioners have also assailed the review and revision of the award with regard to the acquisition of land from Sumer Latara to Umraleng Village in Ri-Bhoi District under the RFCTLARR Act, 2013, which had originally been assessed at Rs. 497,46,06,849/-.

4. The central issue in all these cases is the legality of two awards made in connection with the compensation payable to the affected land owners. The contention of all the writ petitioners is that a valid assessment and award had been prepared by the District Collector after conducting a statutory inquiry under Section 23 of the RFCTLARR Act, 2013, which they also contend was duly approved by the State Government after due process i.e. issuance of public notices, hearings on objections and verification of ownership. However, fresh notices were issued indicating the fixation of reduced compensation which has caused the writ petitioners to approach this Court by these writ petitions for restoration of the earlier amounts.

5. This Court therefore, is to examine whether the respondent authorities acted without jurisdiction and in violation of the RFCTLARR Act, 2013, in recalling and reviewing the initial award, and further, in this connection, whether the entire land acquisition proceedings had lapsed by virtue of Section 25 of the said Act, inasmuch as, the purported revised award was passed beyond the statutory period of 12(twelve) months.

6. Mr. H.L. Shangreiso, learned Senior counsel assisted by Mr. T. Dkhar, learned counsel on behalf of the petitioners, has submitted that the Collector lacks jurisdiction to review its award statement and as such, the writ petitions are maintainable before this Court. Learned Senior counsel has in this regard, cited the following decisions in support of his arguments that no review is possible once an award is given: -

i) ***Judgment dated 17th October, 2019*** by the Supreme Court in ***Civil Appeal No. 6637 of 2010 Naresh Kumar & Ors. Vs. Government of NCT of Delhi.***

ii) ***Judgement dated 25.04.23*** by the Division Bench of Hon'ble High Court J&K in ***Mohd. Sharief & Ord. vs. State & Ors.***

iii) ***Dr. (Smti) Kuntesh Gupta. Vs. Management of Hindu Kanya Maha & Ors. (1987) 4 SCC 525.***

iv) ***Bhera Ram Vs. State of Rajasthan AIR (1986) RAJASTHAN 113***

v) ***Dipak Babaria Vs. State of Gujarat (2014) 3 SCC 502***

7. On merits, the learned Senior counsel has submitted that Section 23 of the RFCTLARR Act, 2013, has provided for the award, and for the package in East Khasi Hills, the Collector vide order dated 04-05-2023, had passed the award under this Section as per the prevailing market value, from the date of preliminary notification under Section 11(1) of the RFCTLARR Act, 2013, for an amount of Rs. 700,29,764,65, which with the inclusion of establishment and contingency charges came to an amount of Rs. 717,80,50,876/-. This award, he submits, was approved, but however due to subsequent events, the Collector was directed to revise the cost of compensation which was accordingly complied, and then issued an award notice dated 26-02-2023, to collect their awards for the notified land. This revised amount, he submits, which has reduced the amount to Rs. 479,46,09,470/- is arbitrary and illegal, inasmuch as, the Collector has no power to review the award under Section 23 of the RFCTLARR Act, 2013, as the same is final.

8. The learned Senior counsel has strongly argued that the Collector had conducted the enquiry under Section 23, and after the formalities as stipulated by the Act had been completed, had passed the final award on 04.05.2023 and hence, once the award statement dated 05.05.2023, had been signed by the Collector and filed in its office under Section 37, the

same becomes final. He thus submits that the award cannot be considered to be a draft award but is final under Section 23 read with Section 37. The impugned minutes he submits dated 07.11.2023, letter dated 14.12.2023, and statutory notice dated 26.02.2024, make it evident that the award dated 04.05.2023, was the final award. Hence, he submits, review of the same by the Collector by the impugned second award statement dated 19.02.2024, is without jurisdiction.

9. It has been further submitted that seeking of alternate remedy under Section 64 of the Act, is not applicable due to the unique facts and circumstances, wherein review of a final award has been done by the authorities without any jurisdiction and further, the fact that the instant case does not relate to a claim for enhancement of compensation. The learned Senior counsel has contended that the prescribed procedure having been completed and Government approval having been received on 26.06.2023 and 15.06.2023, along with protests and objections having been duly taken into consideration, the contention of the respondents that the petitioners did not protest is misplaced. It has also been argued that the power of the Collector to pass an award under Section 23, is his exclusive domain and is beyond the purview of Section 36, and as such therefore, the second award statement dated 19.02.2024, apart from being bereft of any reason, is without jurisdiction and cannot be stated to be an award.

10. The learned Senior counsel has also pointed out alleged discrepancies in the award statement, such as the non-disclosure of the basis for determining the market value, no new date of any award being mentioned other than the award order dated 04.05.2023, no Government approval of the second award statement which he contends would make the first award statement dated 05.05.2023, and approved by the Government on 26.05.2023, the only final approval of the award statement. On another aspect, arguments have also been advanced that the second award statement dated 19.02.2024 was passed or prepared 15(fifteen) months and 10(ten) days after the date of the Section 19 declaration i.e. after the expiry of the 12(twelve) months statutory period, without any extension allowed or notified, and hence the second award had already lapsed. In support of his argument, the learned Senior counsel has placed reliance on the following judgments: -

i) (1994) 5 SCC 686: State of U.P. vs. V. Rajiv Gupta & Anr.

ii) (1993) 4 SCC 369: Satendra Prasad vs. State of U.P.

11. In concluding his arguments, the learned Senior counsel has prayed that the impugned letter dated 19.02.2024, along with the review minutes dated 07.11.2024, 14.12.2023 and letter dated 27.12.2023 be set aside and quashed and directions be issued for deposit of the balance

compensation amount of Rs. 221,21,01,155/-, as per the award order dated 04.05.2023, read with award statement dated 05.05.2023.

12. Mr. A. Kumar, learned AG assisted by Mr. A.H. Kharwanlang, learned Sr. GA on behalf of the State respondents, has at the outset submitted that the petitioners are before this Court essentially praying for directions to increase the land compensation awarded, and for payment of an additional amount of Rs. 221 Crores, which they contend is the correct amount. It is submitted that the petitioners received the land compensation in terms of the award dated 19.02.2024, without lodging of any protest and having accepted the same in terms of the award, the matter has attained finality and the petitioners are estopped from assailing the same. The learned AG has also drawn the attention of this Court to Section 77 of the Act, and has submitted that as per this provision, no person who has received the amount otherwise than under protest, shall be entitled to make any application under Section 64.

13. Learned AG has further submitted that without prejudice to the aforesaid, the writ petition is also not maintainable and is liable to be dismissed as there is alternative and efficacious remedy provided under Section 64 of the Act, as the alleged dispute is regarding the quantum of compensation i.e. a monetary claim. On another aspect, it has been submitted that the award dated 19.02.2024, is a Final Award under Section 23 of the

Act, inasmuch as, the document dated 05.05.2023, claimed to be the award by the petitioners does not contain any apportionment statement and is not made in terms of Section 23 of the Act, and further no compensation was ever disbursed in terms of the said document dated 05.05.2023, and at the most it is merely an estimate. The learned AG has submitted that Section 23 of the Act provides for enquiry and land compensation award by the Collector including apportionment of the said compensation among all the persons known, or believed to be interested in the land, and in this regard, it is only the award dated 19.02.2024, that satisfies the mandate of Section 23. The Final Award 19.02.2024 he submits, provides the situation area and extent of land to be acquired, the final compensation amount and the apportionment statement which contains the minutest of details for the land acquired and the consequent compensation, such as rate per sq.m, area of land, market value with factor of 1:1, nature of category of land and structures, apart from the solatium and interest payable and finally the total compensation payable to the land owners. The document dated 05.05.2023, it is submitted cannot be said to be an award in terms of the Act, inasmuch as, there is no apportionment statement in terms of Section 23, which he states is also apparent from the order sheet containing the order dated 04.05.2023, wherein it had been ordered for a draft award to be prepared. He

therefore submits, that the same is only an estimate and no reliance can be placed on the file notings or internal correspondence, to make out a claim.

14. It is further submitted that Section 37 of the Act provides that the award of the Collector shall be final only when the same is filed in the Collector's office, and notice is given to persons interested, who are not present personally when the award is made. In the instant case he submits, it was only consequent to the Final Award dated 19.02.2024, that notices under Section 37 were issued, and in this context has cited the example of the petitioner No. 1, who appeared before the Collector and accepted the compensation amount of Rs. 40,85,22,662/- without any protest, and as such he submits, the notices issued under Section 37(2) consequent to the award dated 19.02.2024, is conclusive evidence in this regard, as to the finality of the award dated 19.02.2024. In contrast he submits no notices under Section 37 (2) were issued consequent to the alleged award dated 05.05.2023, and as such the same he reiterates, cannot be termed an award, as there was no compliance with Section 23(c), 37(1) and 37(2), which respectively mandate the making of an apportionment statement, filing in the Collector's office and issuance of notice. It is also contended that the very fact that the petitioners have not challenged the award dated 19.02.2024, but accepted the same and also participated in the re-verification without raising any protest, apart from being aware about the amount of award or compensation, is

apparent from the reply furnished to an RTI application on 29.07.2024, and as such, there is no legal right in favour of the petitioners, to institute the present writ petition to seek the reliefs prayed for which are without any basis in law and in fact.

15. The learned AG has finally submitted that the entire project is funded by the Ministry of Road Transport and Highways and no funds have been disbursed by the State Government, and that the entire project is based on estimated civil costs, which would not have been workable if unreasonable inflated costs are included.

16. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel on behalf of the respondents Nos. 7 to 9 (NHIDCL) has strongly endorsed the submissions made by the learned AG, and has taken this Court through the Scheme of the Act, to show that the document/award dated 05.05.2023, was not a final award as envisaged under Section 30 of the Act of 2013. The learned DSGI has specifically referred to an RTI application dated 23.09.2024 at Page-348 of WP(C) No. 474 of 2024 at query No. 6 thereof, where the petitioners had referred to a copy of draft award dated 04.05.2023, which he submits, reflects that they were very well aware that the award dated 05.05.2023, was a draft award. Further, it has been submitted that the revised costs of land acquisition was necessary, due to the fact that the total amount of land compensation for land and structures

sanctioned for the Shillong Western Bypass project, based on the tentative estimate submitted by the State Government was Rs. 682 Crores for both Ri-Bhoi and East Khasi Hills Districts, whereas in the draft award, there was a vast increase to Rs. 1227.63 Crores. In view of this situation, he submits a meeting was held under the Chairmanship of the deputy Chief minister, whereby directions were issued for submission of revised costs of land acquisition, which accordingly thereafter was re-determined and the Final Award dated 19.02.2024, arrived at. It has also been submitted that the Western Bypass is not a National Highway, but the NHIDCL is taking up the project on a special request by the State Government for increasing the road connectivity in Meghalaya.

17. The learned DSGI has reiterated the point that in view of mandate of Section 37, the award dated 19.02.2024, was the Final Award, and has submitted that unless the award is filed in the office of the District Collector, the award does not attain the character of a final award, and until the time the same was filed in the office of the Collector, it was only a work in progress and the calculations are subject to the re-verification and re-assessment. The Award dated 19.02.2024, he submits was duly filed in the office of the Collector in terms of Section 37 of the Act, and thereafter notices were issued to the land owners to come and collect the compensation/award, and as has referred to the notices, which have been

annexed in the writ petition itself. The beneficiaries (writ petitioners) he submits, having received the compensation without any protest or demur, cannot therefore, at this stage turn around and challenge the same and the writ petitions are liable to be dismissed.

18. On hearing the learned counsel for the parties, though the Final Award dated 19.02.2024, has not been specifically impugned, the grievance of the writ petitioners, is with what they allege, the reviewing the amount of compensation which they contend, had already been arrived at vide the order dated 04.05.2023 and draft award dated 05.05.2023. This Court therefore, in consideration of the matter, will examine the procedure adopted and whether, there has been any violation of relevant law by the respondents, in revisiting and affixing the amount of compensation awarded by the award dated 19.02.2024. At this juncture, it would be relevant to examine the provisions applicable in the manner and procedure of making an award, and also whether the writ petition is maintainable at all. In this context, it would be expedient to first refer to Section 23 of the Act which provides as follows:-

> ***"23. Enquiry of land acquisition award by Collector.- On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the***

compensation and rehabilitation and resettlement, shall make an award under his hand of –

(a) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him."

19. A perusal of the above noted Section, shows that it provides for enquiry by the Collector as to objections if any, the measurement and value of the land at the date of the publication and importantly, Section 23(c) provides for the apportionment of the said compensation amongst the persons interested. An examination of the order dated 04.05.2023 and letter dated 05.05.2023, would show that the order dated 04.05.2023, had directed for the preparation of a draft award by the Collector, East Khasi Hills and the letter dated 05.05.2023, was issued pursuant to the said order with the amount of compensation payable indicated therein. For the sake of convenience, the aforenoted order dated 04.05.2023, and letter 05.05.2023 are reproduced hereinbelow: -

"DISTRICT EAST KHASI HILLS, SHILLONG
IN THE COURT OF THE DEPUTY COMMISSIONER

No. L. 14/5(8)2020/Pt/.

DATE 04/05/23 *ORDER* *SIGNATURE*

Seen letter No. PMU-Mylliem/P/SWB/ EKHD/II/68 dt. 25th April, 2023 received from the General Manager (P), NHIDCL, PMU-Mylliem, with a request to submit the Final Award u/s 23 of RFCT-LARR Act 2013 after Approval from the state Govt. rather than Submission of Probable Cost.

Hearing u/s 21 & 22 already conducted on 21st Dec, 2022 at Sohiong C&RD Block, Sohiong in the presence of the landowners, head of villages and representatives of NHIDCL and the landowners were satisfied with the land rate for payment of compensation.

Prepare the draft Award accordingly adding the mandatory solatium @ 100% u/s 30(1) of the Act, 2013 along with 12% interest from the date of Preliminary Notification u/s 11(1) upto the date of the award.

Sd/-
DC/Collector"

"GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER::EAST KHASI HILLS DISTRICT
SHILLONG

No. L. 14/5(8)2020/Pt/23 *Dated Shillong 5th May, 2023*

To,

The Joint Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department,
Meghalaya, Shillong

Sub: Construction of 2-Lane with pave shoulder of Shillong Western

Bypass in East Khasi Hills District.

Sir,

With reference to the subject cited above, I am to state that the District Collector has passed the Order dt. 04.05.2023 (Copy enclosed) for the Award of compensation under section 23 of the RFCT-LARR Act, 2013 for construction of 2-Lane with Pave Shoulder of Shillong Western Bypass (LHS & RHS).

I am submitting herewith the award calculated as per RFCT-LARR Act, 2013 duly signed amounting to Rs. 717,80,50,876 (Rupees seven hundred seventeen crore eighty lakhs fifty thousand eight hundred seventy six) only (including establishment and contingency charges) for favour of approval of the Government.

The additional compensation of 12% per annum under section 30(3) has been calculated for 575 days from 7th Oct, 2021 (date of approval of Preliminary Notification u/s 11(1) of the Act) to 4th May, 2023 (the date of the award). Government approval to the award may therefore kindly be communicated early.

I am also enclosing herewith the original newspaper carrying the Declaration published in The Shillong Times dt. 15th November, 2022 and U Mawphor dt. 15th November, 2022 for Govt. information and records.

Enlco: Award Statement – 2 Copies.

Yours faithfully,

Sd/-
Deputy Commissioner/Collector
East Khasi Hills District
Shillong

No. L. 14/5(8)2020/Pt/23-A ***Dated Shillong 5th May, 2023***
Copy to:-

1. ***The General Manager, (P) NHIDCL, PMU-Mylliem, Madan Iingsyiem, Mylliem, 9th Mile Lyndale Guest House for information.***

Sd/-
Deputy Commissioner/Collector
East Khasi Hills District
Shillong."

20. The award statement dated 05.05.2023, had estimated the total cost of land acquisition at Rs. 717,80,508,76/-, but however what can be seen is that though the situation area and extent of the land has been given therein, there is no apportionment of the said compensation amongst all the persons interested, as mandated by Section 23(c). A detailed perusal however, of the Final Award dated 19.02.2024, would show that apart from the situation and area described therein, detailed apportionment statements to the interested persons have also been made in terms of Section 23(c). As per the Scheme of the Act therefore, under Section 23, the Collector is to hold an enquiry and then decide on apportionment and to determine the compensation under Section 27 of the Act. In the considered of the Court therefore, Section 23 cannot be regarded to be the stage of final determination of the award, inasmuch as, as per the heading itself, it is referred to as a proceeding under Section 23 of the Act of 2013. A final award as per the Act finds place at Section 30, which is reproduced hereinbelow:-

> ***"30. Award of Solatium.- (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent of the compensation amount.***
>
> ***Explanation.- For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.***
>
> ***(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the***

details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier."

21. Taking into account Section 30 of the Act and the contents and purport of the document/award dated 05.05.2023, it can safely be assumed that it is not a final award as envisaged under Section 30 of the Act. This observation, is further reinforced by a letter dated 26.05.2023, by the petitioners addressed to the Collector, wherein the document dated 05.05.2023, has been referred to as a draft award. Further, in an RTI application dated 23.09.2024, at query No. 6, the petitioners have referred to the order dated 04.05.2023, as a draft award, and also were well aware as reflected in query No. 11, that final awards had been passed amounting to Rs. 479,46,09,470/-.

22. Section 37 of the Act, which is very relevant, has laid down the procedure as to when an award of the Collector is to be final. This Section is reproduced hereinbelow:-

"37. Awards of Collector when to be final.- (1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether

they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose."

23. Section 37, as it appears makes it mandatory that awards be filed in the Collector's office, and are considered final and conclusive between the Collector and the persons interested. It thus follows that unless the award or awards, are filed in the office of the District Collector, the award does not attain the character of a final award. In the instant case, as can be seen from the records and from the annexures to the writ petition, notices under Section 37, had been issued to the interested persons and thus the provision of Section 37(2) consequent to the award dated 19.02.2024, had been complied with, and as such, the award had attained its finality. In contrast, it is starkly apparent that no notices under Section 37(2), were issued on the basis of the earlier award dated 05.05.2023, which would therefore, make the earlier procedure adopted inconclusive.

24. Though it has been vehemently argued by the learned Senior counsel for the petitioners, that once an award has been signed by the Collector, the same becomes an award as soon as it is approved by the Government, and case law placed to support this argument in the case namely; ***Bailamma (Smt) Alias Doddabailamma (Dead) & Ors. Vs. State of Karnataka & Ors***. reported in ***(2006) 2 SCC 416*** and in the case of ***Orissa Industrial Infrastructure Development Corpn. Vs. Supai Munda & Ors***. reported in ***(2004) 12 SCC 306***, these cases however, relate to Section 11 of the Land Acquisition Act, 1894, which has since been repealed. Section 11 of the Land Acquisition Act, 1894 dealt with initial enquiry by the Collector to ascertain value, area and the persons interested, but did not have the framework of the Act of 2013, which is more people centric. However, even under the old Act, Section 11 also provides at 11(iii) for the apportionment of compensation amongst the interested persons, which as noted earlier in the award dated 05.05.2023, is a requirement that has not been fulfilled. The other argument that there is no power to review the award of the Collector, or by the Collector, the same in the considered of this Court, would refer to the awards that have attained finality in all respects, which was also the case under the earlier Act of 1894, where at Section 12 it mandates that such award were to be filed in the Collector's office to attain finality.

25. In this backdrop therefore, where the records show that the award of 19.02.2024, had been formally filed and published as an award under Section 37 of the Act of 2013, the earlier award of 05.05.2023, even if approved in principle did not attain the status of a final award under Section 37 for the reasons aforestated. Another relevant fact, is the acceptance of compensation by the petitioners as awarded under the award dated 19.02.2024, without protest and the amounts were directly deposited into their accounts. Section 77 (2) of the Act of 2013, has also stipulated that once compensation is received, the claimant is precluded from seeking a reference for enhancement under Section 64. With regard to the timeline under Section 25, wherein a 12(twelve) month period for making the award from the date of declaration under Section 19 has been prescribed, however, the proviso thereto, vests the Government with the power to extend this period by a notification and administrative records also indicate that such extension, was under consideration. This point therefore, being not central or crucial to the issue, is disregarded.

26. In view of the circumstances therefore, this Court is of the opinion that the award order dated 04.05.2023 and award dated 05.05.2023, can only be regarded as a draft award, which never attained finality under Section 37, as compared to the award dated 19.02.2024, which had been duly

finalised after following the due process as prescribed and in accordance with law.

27. As such, for the reasons aforesaid, these writ petitions fail and are accordingly dismissed.

JUDGE

Meghalaya
30.01.2026
"V. Lyndem PS"